

REMARKS

Claims 1-17 stand rejected as being anticipated by Clements (US 3,014,096).

Clements relates to systems for sound reproduction, which incorporate moving-coil type loudspeakers. Clements discloses an excursion gauge, which is defined in the reference as an instrument adapted to develop an electrical signal of amplitude instantaneously proportional to the departure from a given mean position of the body to which the instrument is mechanically connected. Col. 9, lines 20-24. The excursion gauge is attached to the moving system of the loudspeaker 11 (FIG. 2) to provide an auxiliary signal. Col. 9, lines 25-31. The moving system includes the diaphragm of the speaker. Col. 1, lines 65-69. One embodiment of Clements' invention is a moving-coil, integrating excursion gauge, which is described in col. 9, beginning at line 41. This gauge is a velocity meter having its output signal integrated in a circuit provided for the purpose of changing the signal into one depicting excursion, which is the integral of velocity. Col. 9, lines 42-46.

With respect to claim 5, Applicant submits that Clements fails to teach or suggest a low pass filter having a cutoff frequency that is lower than a lowest resonance frequency of the speaker. The Examiner asserts that Clements "evidently provides a lower cutoff frequency than the lowest resonance frequency of the speaker as it is the desired purpose of the invention to acquire high-quality low frequency reproduction." Office Action, page 4. In other words, the Examiner appears to be asserting that the integrator of Clements inherently has a low pass filter having a cutoff frequency that is lower than a lowest resonance frequency of the speaker. However, Clements does not disclose this feature of the claims. Moreover, such a feature does not appear to be necessarily present in the reference. Even though having an integrator with a

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low pass filter having a cutoff frequency that is lower than a lowest resonance frequency of the speaker may be desirable, Clements does not necessarily have such an integrator. Applicant submits that Clements is ambiguous on this point. As such, the ambiguity should be construed against the Examiner, not the Applicant. See *In re Robertson*, 49 U.S.P.Q.2d 1949 (Fed. Cir. 1999). Therefore, claim 5 is not anticipated by Clements.

Additionally, claims 6 and 7 are not anticipated by Clements, at least because of their dependence from claim 5.

Claims 1, 4, 8, 10, 11, 13, 14, 15 and 17 are not anticipated by Clements for analogous reasons to those presented for claim 5.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Date: May 11, 2004